

**MINUTES
ST. CLAIR SHORES CITY COUNCIL MEETING
JULY 6, 2010**

Regular Meeting of the City Council, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Hison, Council Members Frederick, McFadyen, Rubello, Rubino, Rusie and Walby

Also Present: City Manager Hughes, City Clerk Kotowski, Directors D'Herde, Rayes and City Attorney Ihrie

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Hison called the meeting to order at 7:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present. The Pledge of Allegiance was recited by those in attendance.

Mayor Hison noted item 10a and 10d have been rescheduled for the July 19, 2010 meeting.

2. PROCLAMATIONS & PRESENTATIONS

Ms. Colleen Moynihan, Remedial Project Manager EPA Region 5, talked about the Ten-Mile Drain Superfund site. The EPA is in town to inform residents and get them involved in creating a community help plan. The next step in the cleanup process is a comprehensive study called a remedial investigation.

Ms. Megan McSeveney, Community Involvement Coordinator EPA Region 5, asked residents to communicate any comments or questions to the EPA. Fact sheets have been available for residents with EPA's contact information. The EPA will be in town until Thursday.

Mr. Hughes clarified that this is not the first or last time the EPA will be in town. The goal is to do as much outreach as possible; the City and EPA are planning town hall meetings in mid August to further inform the residents.

3. AUDIENCE PARTICIPATION ON AGENDA ITEMS (2 MINUTE TIME LIMIT)

Jim Goodfellow, St. Clair Shores resident, agenda items 5, 7, and 10b. Mr. Goodfellow inquired whether the Planning Commission and TIFA have been involved with the revisions of the Central Lakefront Development District ordinance. He suggested a more lenient masonry wall requirement and inquired about profits made on the sale of the HUD homes.

Charles Hall, St. Clair Shores resident, agenda item 5. He discussed the CLD revisions request and the property on Ridgeway and Jefferson as an eyesore to the area.

4. REQUEST FOR PLANNING COMMISSION CASES PC 10-12 AND 10-12A, PETITIONER WAYNE WEGNER

Mr. Hughes disclosed that Mr. Rayes' wife is a part time employee for the petitioner. Ms. Koto was unable to attend tonight's meeting, therefore Mr. Rayes can answer technical questions. Mr. Ihrie added that the petitioner is his brother in law.

a. Request for rezoning, PC 10-12, to rezone Gaukler Pointe Land Co. Subdivision, Lot 161 and the E ½ of Lot 162 (Liber 3, Page 39), from RA Single Family Residential to B-1 Local Business District, at 23157 Doremus

Mr. Wayne Wegner acquired the home behind his office building to proceed with an addition to the building. The proposed addition will be in the existing parking lot and a new parking lot will be built on the vacant lot. The property has already been purchased and will proceed with the demolition of the building.

Mr. Wegner invited all neighbors to comment and they all responded very much in favor.

Mayor Hison stated the notice that was mailed out was for P-1 Parking, but it has been corrected to B-1 Local Business District which encompasses parking and it was what the petitioner requested.

Motion by McFadyen, seconded by Walby to approve a request for rezoning of 23157 Doremus, from RA Single Family Residential to B-1 Local Business District, as recommended by the Planning Commission, noting that the Planning Commission and City Council understand that your presence here tonight

4a. REQUEST FOR PLANNING COMMISSION CASES PC 10-12 AND 10-12A, PETITIONER WAYNE WEGNER cont'd.

constitutes that you are a legal representative of the petitioner for Planning Case 10-12; each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said rezoning approval; adopting the zoning ordinance amendment, which reads as follows:

THE CITY OF ST. CLAIR SHORES ORDAINS THAT ZONING ORDINANCE 15.000 SHALL BE AMENDED BY THE FOLLOWING REZONING:

(170) *Rezone from RA-Single Family Residential to B-1 Local Business District.*

23157 Doremus – Gaukler Pointe Land Co. Subdivision, Lots 161 and the East ½ of Lot 162, parcel identification number 14-35-151-027, as recorded in Liber 3, Page 39, of Plats, Macomb County Records, Macomb County, Michigan, from RA-Single Family Residential to B-1 Local Business District. This parcel is located on the north side of Doremus just west of Jefferson.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

This Ordinance shall become effective 7 days after publication and copies of this ordinance are available at the Office of the City Clerk 27600 Jefferson Circle Drive, St. Clair Shores MI, 48081 during normal business hours 8:00 a.m. – 4:30 p.m. Monday through Friday.

STATE OF MICHIGAN)
) ss
COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by City Council on the 6th day of July 2010 and that the necessary Charter provisions have been observed.

Robert A. Hison, Mayor

Mary A. Kotowski, City Clerk

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published in the Sentinel Newspaper on July 21, 2010, by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive and shall become effective on July 28, 2010.

Mary A. Kotowski, City Clerk

(ord. amendment eff. July 28, 2010)

Ayes: All – 7

b. Request for Site Plan approval, PC 10-12A, for an addition to the existing building and parking area, at 23201 Jefferson

Mr. Hamborsky, architect, noted the combined parcels area is 0.61 acres with a proposed building addition of 2,500 square feet. The existing storage room will be renovated into two new offices, and the proposed addition to the building will be used for storage.

Mr. Wegner stated he is scheduled to appear before the Zoning Board of Appeals in regards to the masonry wall, to possibly install landscaping or a fence instead of the wall.

Motion by McFadyen, seconded by Rubino to approve a request for site plan approval for an addition to the existing building and parking area, at 23201 Jefferson, as recommended by the Planning Commission, subject to the conditions of the City Planner’s report, including: 1) the petitioner apply to ZBA for a variance to allow landscape screening, or put up wall, 2) allowing the petitioner to install the parking lot at a later date, once the interior build-out has occurred and the space is occupied, 3) the Planning Commission and City

4b. REQUEST FOR PLANNING COMMISSION CASES PC 10-12 AND 10-12A, PETITIONER WAYNE WEGNER cont'd.

Council understand that your presence here tonight constitutes that you are a legal representative of the petitioner for Planning Case 10-12A. Each statement of intent, promise and/or pledge, made by you, the petitioner or agent, either orally or in writing, if permitted by Ordinance, shall be binding upon the petitioner and shall be a condition of said site plan approval.

Ayes: All – 7

5. REQUEST FOR REVISIONS TO CHAPTER 15, ZONING ORDINANCE, ARTICLE XIV, SECTION 15.350 CENTRAL LAKEFRONT DEVELOPMENT DISTRICT, TO ALLOW GREATER FLEXIBILITY IN THE TYPES OF USES AND DEVELOPMENTS IN THE NAUTICAL MILE AREA

Mr. Rayes stated the Planning Department has looked into revising the Central Lakefront Development District ordinance to alleviate the lengthy approval process for businesses within existing buildings and to make it more business friendly. The Planning Commission held a public hearing in June and residents commented. Staff forwarded the revisions to TIFA's Chairman, but no feedback was received.

Staff has revamped a new CLD District ordinance that is modeled after the existing business districts with additional considerations when a completely new development is being proposed.

Mr. Rayes named a few of the changes proposed to the ordinance: 17-checkpoint list and the criteria for special land approval were eliminated for the west side, and CLD sign approval will follow the same process as all other districts.

Mayor Hison noted that some statements in the proposed ordinance have to be clarified.

Mr. Rayes clarified that additions to existing buildings would still need Planning's and Council's approval. However, new businesses occupying an existing building would not, which would free up approximately six weeks of the approval process. Businesses that do not fit into any categories listed in the proposed ordinance (new uses) will still need to be approved by Planning and Council.

Mr. Ihrie advised that the revisions presented for approval are those approved by the Planning Commission with Ms. Koto's amendments. The Planning Commission recommended staff to further revise the ordinance.

Mr. Rayes added that drive-thru facilities are not allowed unless they are a financial institution.

Ms. Rusie indicated that Section 15.353, subsections 14 and 17 are redundant and should have Council's approval removed.

The language for Section 15.353, subsection 16 allows for exceptions, such as funeral homes and marinas that have on-site residence.

The overall vision of the Central Lakefront Development District is to intensify the lake, revitalizing marinas, making the west side an ancillary use aid for the east side, and to try to bring in hotels, water type uses and retail to make the district a regional draw rather than a recreational area. The goal is to enhance walk/ride ability throughout the Nautical Mile.

New developments will have to be sensitive to the existing buildings to not block the lake views. The abandonment policy was removed from the CLD restrictions; properties would follow the same policy as the other districts.

It was decided to submit the proposed revisions to the TIFA Board for their July 12, 2010 meeting.

Mr. Rayes stated the property on Ridgeway and Jefferson has a contaminated foundation and the owner is trying to resolve the issues with the previous tenant who is liable for the contamination.

Mr. Ihrie noted that subsections 12 and 18 are used to incorporate everything else that is permissible and not listed in Section 15.353, because it is impossible to list every business type. If a proposed business does not meet one of the specifications in the ordinance, staff would recommend Planning and Council's approval.

Mr. Frederick encouraged the quicker process for occupying buildings and suggested revising parking requirements, loosening up the requirements to attract more business to St. Clair Shores. He advised talking to TIFA for consideration of a central parking area in the district.

5. REQUEST FOR REVISIONS TO CHAPTER 15, ZONING ORDINANCE, ARTICLE XIV, SECTION 15.350 CENTRAL LAKEFRONT DEVELOPMENT DISTRICT, TO ALLOW GREATER FLEXIBILITY IN THE TYPES OF USES AND DEVELOPMENTS IN THE NAUTICAL MILE AREA cont'd.

Mr. Rayes explained national corporations have their own requirements which are usually higher than the City's. Parking needs depend on the success of the business and it's safe to have more parking rather than not enough parking.

Mayor and Council decided to table the item for more clarification and TIFA's input.

Motion by Walby, seconded by Frederick to TABLE approval of the amendments to Chapter 15, Zoning Ordinance, Article XIV, Section 15.350 Central Lakefront Development District.

Ayes: All – 7

6. REQUEST FROM WILLIAM F. BETZ, WILD BILL AND ASSOCIATES, ON BEHALF OF RE-MAX ASSOCIATES AT 25814 JEFFERSON – TO APPEAL THE DECISION OF SIGN ARBITRATION TO GRANT A VARIANCE FOR A DOUBLE FACE, FREESTANDING GROUND SIGN THAT DOES NOT MEET MINIMUM SETBACK AND SECTIONS 4 AND 7 OF THE SIGN ORDINANCE

Mr. Ihrle disclosed that Ms. Rusie's mother is an independent contractor renting space from the petitioner in the building to be discussed. As Councilwoman Rusie has no financial interest in the decision to be made or the building, she is not required by ordinance or State Law to refrain from discussing or voting on this item.

Mr. Ihrle explained the proposed location of the sign at ReMax Associates is in the public right-of-way, which is not permitted under the sign ordinance. Therefore, the sign was denied by the Community Development Department and the petitioner appealed the decision to the Sign Arbitration Committee, who denied the request as well. The sign ordinance allows a final appeal to the City Council, who has final authority. The standards used in granting an appeal are: because of the particular physical surroundings, shape, or topographical conditions of the property, compliance with the provisions of the sign ordinance would result in a particular hardship on the owner; strict enforcement of the provisions of the sign ordinance would serve no useful purpose; a variance would be in the best interest of the City and not against the spirit and intent of the ordinance.

Mr. William Betz, Wild Bill and Associates, stated his client's request is to install an 8' x 8' sign in front of the building, between the sidewalk and Jefferson. The sidewalk runs two feet from the building and thirty feet from the street. He noted there is no other safe place to install the sign. If the sign would be placed by Statler St., it would block traffic visibility.

Mr. Rubello quoted the 2008 St. Clair Shores Masterplan, "the City should have a more flexible sign ordinance." He commended Mr. Raffin on the beautification of the site and investments made to the building.

Mr. Tony Raffin, building owner, passed out pictures of similar signs on Jefferson and stated that his property is the only one that is setback with an obstruction. The business opened three years ago and invested \$260,000 into the building. Mr. Raffin is open to any suggestion and a smaller sign to look good with the building.

Mayor Hison suggested curving the sidewalk to accommodate a sign between building and sidewalk and/or a smaller size sign. He noted that if anything is installed in the public right-of-way, the business owner would have to take full responsibility for any accidents and removal of sign if necessary. Mr. Raffin confirmed he has no problem being indemnified with full responsibility and the proposed sign can easily be removed within a couple of hours.

Mayor Hison referred Mr. Raffin back to the CDI department to look at new options and present them in front of the Sign Arbitration Committee.

Mr. Frederick suggested aligning the sidewalk with that of Eagle Pointe's and moving the stop sign east. He noted there are a lot of visibility issues in the area.

Mr. Rubino raised his concerns with the size of the sign and suggested creating a pocket park in the front of the building.

The petitioner was referred back to administration to discuss new options; the appeal was adjourned until a date to be determined.

Motion by McFadyen, seconded by Frederick to refer back to administration to work with the petitioner on options and to adjourn the appeal hearing to the Council meeting of July 19, 2010.

Ayes: All – 7

7. DISCUSSION ON MASONRY WALL BETWEEN RESIDENTIAL AND COMMERCIAL AREAS

Mr. Rayes was asked to follow up with questions raised at the last meeting of what triggers the masonry wall requirement. The primary trigger is an application for a Certificate of Occupancy (change of occupancy, use or change of use of any building, structure, land or part thereof, by any new or different business shall be inspected and in compliance with the City's ordinances). Businesses wishing to do repairs or improvements such as painting, roof, conforming signs/awnings would not trigger the owner needing to comply with the current ordinances.

Currently, a 24 month grace period is given to business owners who requested the extension. Staff has included in the Certificate of Occupancy correspondence language that offers the 24 month extension for installing the wall.

Mr. Rubello noted the moratorium is a business friendly change to bring in businesses and give owners time to install the wall. The wall is a requirement that separates the business districts from residential areas. This is not a permanent change, but it will help businesses get through the hard economic times. Mr. Rubello suggested extending the first two year grace period for the ones that are soon expiring.

Mr. Rayes stated staff currently works with businesses on extending the first two years for extenuating situations; if no justification is identified, the business will be ticketed and taken to Court. He clarified that major renovations of the building will trigger the wall requirement. If a fence is in need of repair and repairs are to exceed 60% of the value of the fence, then a masonry wall will be required to comply with the current ordinance.

Mr. Rubino questioned whether landlords or tenants are required to install the wall. Normally, the landlord is required to do so, unless it is specified in their agreement.

Mayor Hison suggested resetting the clock for all existing extensions so all properties have two years from now. He noted that the City should consider residents' input in this matter, because the walls are required to protect the residents (sound/lights barriers). Council requested a list of all outstanding properties.

Mr. Walby considered evaluating the moratorium as time goes by. Mr. Frederick recommended an annual review of the extension and would like to see residents involved in this issue, since they are the neighbors.

Properties that are in violation of the masonry wall requirement but have not done any work to trigger the requirement should also be notified and be given the additional two years to install the wall.

Mayor Hison recommended restarting the clock in the summer, rather than winter when contractors can't do the work.

It was decided to bring back revised language incorporating tonight's discussion at the July 19, 2010 meeting.

Motion by Walby, seconded by Frederick to refer back to administration the masonry wall between residential and commercial areas for language to be reviewed and adopted by Council at the July 19, 2010 meeting.

Ayes: All – 7

8. PROPOSAL TO TERMINATE EXISTING MUTUAL AID AGREEMENT WITH THE CITY OF HARPER WOODS FIRE DEPARTMENT

Mr. Hughes stated the City of St. Clair Shores entered into a Macomb County Mutual Aid Agreement for fire services in 1959. Under extraordinary circumstances, large fires or multiple fires, a City can call surrounding communities for help.

In February of 2010, Harper Woods, a member of the Mutual Aid Agreement, experienced a significant fire and the St. Clair Shores firefighters were called for a second alarm. Mr. Hughes spoke of the City's concern that Harper Woods would not be able to provide adequate service to St. Clair Shores in return, if ever needed. Therefore, the spirit of a mutual aid agreement is not there. Eastpointe and Roseville have the same concern and will further discuss the issue. The Harper Woods City Manager is aware of the action sought by St. Clair Shores and understands our reasoning.

The intent of the Macomb County Fire Department's Mutual Aid Agreement is to provide assistance in extenuating circumstances, and specifies the level of response provided by the communities in the agreement. Routinely providing supplemental staffing support is not a provision of the agreement. It is also expected that Fire Departments reciprocate; the ability of Harper Woods Fire Department to do this is seriously in question.

8. PROPOSAL TO TERMINATE EXISTING MUTUAL AID AGREEMENT WITH THE CITY OF HARPER WOODS FIRE DEPARTMENT cont'd.

Mr. Hejza stated that effective June 29, 2010 the total number of Fire Department personnel for Harper Woods will be twelve people, which includes the Fire Chief. While the Harper Woods Fire Department makes efforts to maintain a minimum staffing of four personnel on duty, from time to time, this number has been unachievable. Occasionally, periods have occurred where the staffing has been as low as one or two persons on duty. With the current Fire Department staffing levels at Harper Woods, it could be reasonably anticipated that any given incidence would quickly exhaust or overwhelm the available resources at the Harper Woods Fire Department.

Mr. Hejza noted that the City did not recently experience the need for a second alarm in order to test Harper Woods' capability to respond.

Mr. Ihrie noted the City is engaging into new ground, no other community has done this, therefore there is no clear path on what to do next, but we can direct the City Attorney to proceed terminating the Mutual Aid Agreement with the City of Harper Woods. He clarified that tonight's motion does not stop participation in the agreement with Harper Woods nor with the other communities.

The language of the agreement might cause some problems with isolating Harper Woods. If relieving ourselves from Harper Woods can not be done contractually, then court action could decide.

Mayor Hison advised that Harper Woods called St. Clair Shores before Grosse Pointe, who is also a member of the Mutual Aid Agreement and is closer to them. Their staffing level is so low that they would not be able to provide adequate response to St. Clair Shores.

Mr. Hejza responded that who they call first depends on each Fire Department's standard operating procedures.

Mr. Ihrie added the City would have to live up to the responsibilities outlined in the agreement until relieved from Harper Woods.

Motion by McFadyen, seconded by Rubino to direct the City Attorney to proceed working to terminate the existing Mutual Aid Agreement with the City of Harper Woods Fire Department.

Ayes: All – 7

Mr. Hejza will be in contact with the Macomb County Fire Chiefs Association regarding this issue.

Mr. Rubino discussed the lack of "mutual aid" in this agreement and the unfairness to our firefighters picking up extra risk.

Ms. Rusie suggested working together with Roseville and Eastpointe to amicably resolve the problem.

9. APPROVAL OF CONSENT AGREEMENT FOR ST. CLAIR SHORES V WALTCO LAND COMPANY AND WALTER R. OLTERS DORF REVOCABLE TRUST

Mr. Ihrie presented a proposed resolution between the City and Waltco Land Company in regards to the Gourmet House. The agreement creates an obligation on Waltco to demolish the building as a Brownfield property. Certain expenditures can be reimbursed if approved by the Brownfield Authority. The agreement stipulates that the liquor license is to be held by the licensee in escrow and it can not be relocated out of the City. If it comes a time when they wish to transfer the license to a third party, St. Clair Shores has final authority in approving the transfer.

Mr. Ihrie explained that Waltco Land Co. secured bids for the demolition and it is their determination to select the contractor, not the City's and the City will not pay towards the demolition.

Mr. Bill Schlecte, attorney for Waltco Land Co., talked about the timeline of having the property submitted for Brownfield funds. If the agreement is approved by Council, the application will be sent for MACPAD's approval (approximately one week), then to the EPA for grant approval (one week) and then be submitted to the Brownfield Re-Development Authority. If the application is not approved by Brownfield, this agreement becomes null and void.

Mr. Ihrie stated that if Waltco finds a buyer for the property prior to the demolition of the building, the City Manager has the authority to waive the demolition requirement, if the City is in approval of the potential buyer. At that time Brownfield will not come into place.

9. APPROVAL OF CONSENT AGREEMENT FOR ST. CLAIR SHORES V WALTCO LAND COMPANY AND WALTER R. OLTERSDFORF REVOCABLE TRUST

Mr. Rubello raised the concern of using taxpayers' funds through Brownfield to tear down the building.

Mr. Ihrie noted taking down the building has been a great desire for a long time and the agreement guarantees demolition in a short time, gives St. Clair Shores an option to choose a potential buyer, and terminates litigation. Once the building is taken down, the property must be graded, seeded and maintained according to our City codes.

Mr. Rubino talked about shuffling the money to pay for the demolition from taxpayers' money.

Brownfield funds are federal dollars set up to eradicate buildings that are functionally obsolete, with blight.

Mr. Walby stated there is no money in the Brownfield account and that a similar situation took place with Flagstar Bank. Brownfield encourages development to solve an existing problem and it requires expenditures to be paid upfront. A percentage of property taxes will be reimbursed to the owner to pay off the Brownfield approved expenses. Eligible costs for reimbursement are determined by Brownfield, such as environmental consultant, cost of demolition, asbestos inspections, engineering costs, and project management.

Mr. Rubino wanted consideration of denying the proposed consent agreement.

Mayor Hison noted that if the liquor license is to be transferred, a resolution approved by Council is required.

Mr. Ihrie advised that if a buyer is approved by the City, Brownfield would be put aside and the buyer would step into the shoes of Waltco.

Motion by Frederick, seconded by Walby to approve the consent agreement for St. Clair Shores v Waltco Land Company and Walter R. Oltersdorf Revocable Trust subject to the property (located at 25225 Jefferson, St. Clair Shores, Michigan) being maintained in accordance with City Ordinance.

A roll call vote was taken.

Ayes: Frederick, Walby, McFadyen, Rubello, Hison

Nays: Rubino, Rusie

Motion carried.

10. BIDS/CONTRACTS/PURCHASE ORDERS

- a. ~~**Request to award bid for Telephone System and Voicemail Upgrade (bids opened 6/29/10) (rescheduled to 7/19/10)**~~
- b. **Request to approve sale of property 23424 Grove**

Mr. Rayes noted the property is a \$1 HUD home proposed to sell for \$74,100, less \$4,446 for closing costs, for net sale of \$69,654. The original listing price was \$79,000 and then reduced to \$69,900.

Motion by Rusie, seconded by Walby to approve the sale of 23424 Grove for \$69,654.

Ayes: All – 7

- c. **Request to approve sale of property 21020 Bon Heur**

The sale price is \$64,000, less \$3,800 for closing costs, for net sale of \$60,200. The house needed significant repairs which were not anticipated, but the City is still making a profit on the property.

Mr. Rubello noted that one of the picture windows in the front of the house has a big dent. Fencing of the property was bid out and the cost will be split with the neighbors. It was clarified that the house will be sold as is, without a proposed garage.

Motion by Rubello, seconded by Rubino to approve the sale of 21020 Bon Heur for \$60,200.

Ayes: All – 7

- d. ~~**Request to approve the purchase of foreclosed property from Macomb County Treasurer (rescheduled to 7/19/10)**~~

11. **CONSENT AGENDA** – All items listed on the consent agenda are considered to be routine and will be enacted by one motion and approved by a vote of City Council. There will be no separate discussion of the items unless the Mayor and or a Council Member so requests, in which event the item will be removed from the general order of business and considered under the last item of the Consent Agenda.

Motion by Walby, seconded by Rubino to approve the Consent Agenda items a – f as presented, which include the following:

a. **Bills**

July 6, 2010 \$1,037,926.76

To approve the release of checks in the amount of \$1,037,926.76, of the report that is 21 pages in length and of the grand total amount of \$1,037,926.76, \$0 went to other taxing authorities.

b. **Fees – none**

c. **Progress Payments**

D&M Contracting, Inc.	\$32,687.62
RS Contracting, Inc.	\$19,574.62
Galui Construction Company, Inc.	\$91,765.23
Galui Construction Company, Inc.	\$45,299.87

To approve the above progress payments, subject to audit.

d. **Approval of Minutes**

To approve the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
City Council	June 7, 2010
City Council	June 21, 2010
City Council Special Meeting	June 28, 2010

e. **Receive & File Boards, Commissions & Committee Minutes**

To receive and file the following minutes:

<u>Minutes</u>	<u>Meeting Date</u>
Cool Cities Committee	May 12, 2010
Corridor Improvement Authority	March 3, 2010
Library Board	May 20, 2010
Police and Fire Pension Board	May 27, 2010
Police and Fire Retiree Health Care Trust Board	May 27, 2010
Sign Arbitration Committee	March 25, 2010

- f. To receive and deny the claims of NGP/2400 Harper, LLC v St. Clair Shores, Cynthia Wargal Garmen v St. Clair Shores and 19509 Will, LLC v St. Clair Shores et al, and refer to legal counsel.

Ayes: All – 7

12. **UPDATES AND FOLLOW-UPS FROM COUNCIL MEETING**

- **PCB's** – Mr. Hughes noted a public meeting will soon be announced.
- **9 Mile Street Replacement Project** – The first section is ready for pavement; concrete is being removed for the second section. The limited amount of approaches will speed up the paving process; school parking lots will be accessible. The project is expected to be completed in November.
- **Department of Public Works** – Mr. Hughes advised Council there are no updates from the County prosecutor. Staff is in the process of filling the DPW Director position, 21 applications were received. He hopes to have a director start by the fall season.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS

Council Member Rusie announced the Second Annual Campout Night on August 20, 2010 at Veterans Memorial Park. Interested residents can pre-register with the Parks and Recreation Department, \$25 for a family of four.

Council Member McFadyen inquired about the proposed medical site use at 12 Mile Road and Little Mack. Mr. Rayes responded that they are a victim of the current economics tragedy, so the site will remain undeveloped until they find a tenant.

Mrs. McFadyen announced the St. Clair Shores Friends of the Library program on August 25, 2010 at 7:00 p.m.

Council Member Rubello announced the 10 Mile and I-94 cleanup on July 10, 2010. He congratulated Vincent Carr for his appointment to the office of Amvets Department of Michigan Commander.

Mr. Rubello noted the 14 Mile landscape project is being torn up by the construction on 14 Mile. The Nine-Mack Business association would like to get additional detour signs to direct business through the construction traffic.

Mr. Rubello inquired about land banks. A land bank is a public authority created to efficiently hold, manage, and develop tax-foreclosed property.

He inquired whether residents are able to install a second water meter in their house. Mayor Hison replied that the charges for the water going through the second meter will be picked up by the rest of the City.

Mr. Rubello talked about flood insurance requirements and FEMA. Mr. Rayes explained that new flood maps were adopted in October 2006, at which time all property owners that were affected by the maps were notified. In addition, the City held numerous meetings, sent out newsletters and held a Mayor's corner to report the news. Residents can come in to the CDI department and view the maps or can go to www.fema.gov. If residents do not have a mortgage, they are not required to pay for flood insurance. 100 years flood zone requires flood insurance and the 500 years does not. Residents would have to get their house surveyed in order to prove they are out of the flood zone. Property owners can contact Bryan Babcock with questions.

Mr. Hughes stated that new communication methods can be used to remind residents of resources available at the City Hall.

Council Member Frederick announced upcoming events and spoke about the family pool passes, which are \$50 for two parents and two children.

Council Member Walby requested an update on the consolidation of dispatch services. Mr. Hughes responded December 31, 2010 is the goal to have it up and running. Several meetings were held and five committees were formed, such as the Labor Committee (HR Director), Operation Committee (IT and dispatchers) and the Public Safety.

At the July 19, 2010 meeting, Plante Moran will present potential by-laws for the consolidation. If the by-laws are approved, a national posting will go out for an executive director. The St. Clair Shores dispatchers will be offered jobs within the consolidation dispatch authority.

Mr. Walby talked about 5% wage reduction for all employees. Mr. Hughes responded that the following unions have not gone forth just yet: AFSCME, PEA, Police Command and Patrol Officers. He has met with the unions and hopes to finalize agreements to bring back to Council. The Patrol Officers have noted they would like to request the assistance of a mediator.

Discussion took place regarding the Electrical Inspector and Building Official's retirements. Mr. Rayes confirmed the positions will be vacant through attrition. The City is using Roseville's inspector two days a week for the remainder of the fiscal year. The PMI Inspection Services contract expires on June 30, 2011; inspection services would then be bid out.

Council Member Rubino inquired about the property at Ridgeway and Jefferson. It was explained that Sunoco is still responsible for the clean-up of that property and it is a more complicated situation because of the multiple parties involved. Dates will be provided to Council.

Discussion was held regarding mediators for bargaining units. Mr. Hughes explained that under PA 312, the union can ask for a mediator to assist in negotiations. The union will provide the City with a list of acceptable mediators for the City to select from.

13. COMMENTS BY INDIVIDUAL COUNCILPERSONS cont'd.

Mr. Rubino talked about the DPW investigation and if another jurisdiction's prosecutor can review the case.

Mr. Rubino congratulated Sarah Nelson and Braden Tava, of Lac St. Clair Baseball Little League, placed in the top ten for pitch hit and run and are moving on to the World Series game in California.

Mayor Hison passed.

14. CITY MANAGER'S REPORT

15. AUDIENCE PARTICIPATION (5 MINUTE TIME LIMIT)

Joe Backus, St. Clair Shores resident, noted ReMax Associates is not the only business with a line of sight problem. He talked about the lack of signage to distinguish the three different drives at Blossom Heath. Mr. Backus raised his concerns about Concerts in the Park flyers; they are the same size and color of the park passes.

Chuck Hall, St. Clair Shores resident, addressed the lack of signage at Blossom Heath Blvd. He agreed that TIFA should be involved with the CLD ordinance revisions.

Mr. Hall discussed the property at Ridgeway and Jefferson. The property has an asphalt cap; in order to turn it to grass, it would have to be uncapped and remediated. He inquired whether they applied for Brownfield funds.

Jack Doerr, St. Clair Shores resident, inquired about sidewalks that are raised because of City trees. The trees were granted to the homeowners, and it is homeowners' responsibility to fix.

He discussed the Mutual Aid Agreement and suggested using staff to population ratios when comparing different communities.

Mr. Doerr talked about saw cutting after pavement is poured, which causes internal cracks in the concrete and encouraged residents to vote in the August Primary Election.

16. ADJOURNMENT

Motion by Rubino, seconded by McFadyen to adjourn at 11:10 p.m.

Ayes: All – 7

ROBERT A HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK